

## House Bill 374 (COMMITTEE SUBSTITUTE)

By: Representatives LaHood of the 175<sup>th</sup>, Cooper of the 43<sup>rd</sup>, and Petrea of the 166<sup>th</sup>

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to  
2 regulation and licensing of assisted living communities, legislative intent, definitions,  
3 procedures, and requirements for medication aides, so as to authorize certified medication  
4 aides to administer liquid morphine to residents under hospice care pursuant to a physician's  
5 written orders; to amend Code Section 43-26-12, relating to exceptions to the licensure of  
6 registered professional nurses, so as to provide that the administration of liquid morphine by  
7 certified medication aides under specific criteria does not require licensure as a registered  
8 professional nurse; to provide for related matters; to provide for an effective date; to repeal  
9 conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to regulation and  
13 licensing of assisted living communities, legislative intent, definitions, procedures, and  
14 requirements for medication aides, is amended by revising subsection (g) as follows:

15 "(g)(1) An assisted living community may employ certified medication aides for the  
16 purpose of performing the technical aspects of the administration of certain medications  
17 in accordance with this subsection. An assisted living community that employs one or  
18 more certified medication aides must have a safe medication and treatment administration  
19 system that meets all the requirements of this subsection.

20 (2) The department shall establish and maintain a medication aide registry containing the  
21 names of each individual in Georgia who is certified by the department as a medication  
22 aide. An assisted living community may not employ an individual as a medication aide  
23 unless the such individual is listed in the medication aide registry in good standing.

24 (3) An applicant for certification as a medication aide shall meet the following  
25 qualifications:

26 (A) Be a Georgia certified nurse aide with current certification in good standing;

- 27       (B) Have successfully completed a state-approved state approved medication aide  
28       training program administered by a Georgia licensed registered nurse, pharmacist, or  
29       physician;
- 30       (C) Have successfully passed, with a minimum passing score of 80 percent, a written  
31       competency examination; and
- 32       (D) Have demonstrated the requisite clinical skills to serve as a medication aide in  
33       accordance with a standardized checklist developed by the department.
- 34       (4) A record of the successful completion of the written competency examination and  
35       clinical skills standardized checklist by an applicant for certification as a medication aide  
36       shall be included in the medication aide registry within 30 business days of evaluation.  
37       Each candidate for certification as a medication aide shall have the opportunity to take  
38       the written competency examination three times before being required to retake and  
39       successfully complete the medication aide training program.
- 40       (5) An assisted living community shall annually conduct a comprehensive clinical skills  
41       competency review of each medication aide employed by the assisted living community.
- 42       (6) Certificates issued pursuant to this subsection shall be renewed biennially according  
43       to schedules and fees approved by the department.
- 44       (7) A medication aide who meets the criteria established in this subsection shall be  
45       permitted to perform the following tasks in an assisted living community in accordance  
46       with the written instructions of a physician:
- 47           (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and  
48           rectal medications;
- 49           (B) Administer insulin, epinephrine, and B12 pursuant to physician direction and  
50           protocol;
- 51           (C) Administer medication via a metered dose inhaler;
- 52           (D) Conduct finger stick blood glucose testing following established protocol;
- 53           (E) Administer a commercially prepared disposable enema as ordered by a physician;  
54           and
- 55           (F) Assist residents in the supervision of self-administration of medication; and
- 56           (G) Administer liquid morphine to a resident of the assisted living community who is  
57           the patient of a licensed hospice, pursuant to a hospice physician's written order that  
58           contains specific instructions for indication, dosage, frequency, and route of  
59           administration, provided that the licensed hospice consents to the use and  
60           administration of liquid morphine as described in this subparagraph. The medication  
61           aide shall observe and document the resident's need for all 'as needed' (PRN) liquid  
62           morphine in such resident's record and such indications of need may include  
63           verbalizations of pain, groaning, grimacing, or restlessness. The initial dose of any

liquid morphine administered pursuant to this subparagraph shall be administered and assessed by a licensed hospice health care professional to observe and address any adverse reactions to such medication. The assisted living community shall ensure that any medication aides who will be administering liquid morphine to any hospice patients in such assisted living community pursuant to this subparagraph receive adequate training from a licensed hospice on the safe and proper administration of liquid morphine prior to such administration and on an annual basis thereafter. The assisted living community shall maintain documentation of all training provided and shall adhere to all security and storage requirements for liquid morphine required under state and federal law, including but not limited to any rules promulgated by the department. Notwithstanding the foregoing, the supply of liquid morphine on-site at the assisted living community shall be limited to no more than 50 ml for each hospice patient in the assisted living community and shall only be administered under limited circumstances when a licensed hospice health care professional is not otherwise available. The department shall promulgate rules and regulations to implement this subparagraph. The authority provided to a medication aide pursuant to this subparagraph shall be in addition to the authority provided to a medication aide pursuant to subparagraphs (A) through (F) of this paragraph and shall not be construed to limit any authority or practice of a medication aide in effect prior to the effective date of this subparagraph.

(8) A medication aide shall record in the medication administration record all medications that ~~the~~ such medication aide has personally administered to a resident of an assisted living community and any refusal of a resident to take a medication. A medication aide shall observe a resident to whom medication has been administered and shall report any changes in the condition of such resident to the personal representative or legal surrogate of ~~the~~ such resident.

(9) All medication administered by a medication aide in accordance with this Code section shall be in unit or multidose packaging.

(10) An assisted living community that employs one or more medication aides to administer medications in accordance with this subsection shall secure the services of a licensed pharmacist to perform the following duties:

(A) Perform a quarterly review of the drug regimen of each resident of the assisted living community and report any irregularities to the assisted living community administrator;

(B) Remove for proper disposal any drugs that are expired, discontinued, in a deteriorated condition, or ~~where~~ when the resident for whom such drugs were ordered is no longer a resident;

(C) Establish or review policies and procedures for safe and effective drug therapy, distribution, use, and control; and

(D) Monitor compliance with established policies and procedures for medication handling and storage.

(11) An assisted living community that employs one or more medication aides to administer medications in accordance with this subsection shall ensure that each medication aide receives ongoing medication training as prescribed by the department. A registered professional nurse or pharmacist shall conduct random medication administration observations on a quarterly basis and report any issues to the assisted living community administrator."

## SECTION 2.

Code Section 43-26-12, relating to exceptions to the licensure of registered professional nurses, is amended in subsection (a) by striking "and" at the end of paragraph (8), by replacing the period at the end of paragraph (9) with "; and", and by adding a new paragraph to read as follows:

"(10) The administration of liquid morphine by a certified medication aide pursuant to subparagraph (g)(7)(G) of Code Section 31-7-12.2."

## **SECTION 3.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.